Scott R. Mosko (State Bar No. 106070)
scott.mosko@finnegan.com
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
Stanford Research Park
3300 Hillview Avenue
Palo Alto, California 94304
Telephone: (650) 849-6600
Facsimile: (650) 849-6666

Attorneys for Defendant
Winston Williams

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FACEBOOK, INC. and MARK ZUCKERBERG,

Plaintiffs,

v.

CONNECTU LLC, (now known as CONNECTU INC.) ET AL.,

Defendants.

CASE NO. C 07-01389 RS

CIVIL L.R. 6-3 MOTION FOR ORDER SHORTENING TIME FOR BRIEFING AND HEARING ON MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT WINSTON WILLIAMS; DECLARATION OF SCOTT R. MOSKO; AND [PROPOSED] ORDER

Mag. Judge: Hon. Richard Seeborg

(Filed Concurrently With Notice of Motion and Motion to Withdraw as Counsel for Defendant Winston Williams and Supporting Declaration of Scott R. Mosko)

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CIVIL L. R. 6-3 MOTION FOR ORDER SHORTENING TIME

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP ("Finnegan Henderson") respectfully moves the Court pursuant to Civil L.R. 6-3 for an order shortening the time for Plaintiffs Facebook, Inc. and Mark Zuckerberg to respond to the concurrently-filed Motion to Withdraw as Counsel for Winston Williams.

This Court recently issued an order compelling Defendants Pacific Northwest Software and Winston Williams to submit supplemental responses to Facebook's First Set of Interrogatory Nos. 3 & 4. The Order provides that the supplemental interrogatory responses be served by January 2, 2008. And, Plaintiffs have propounded additional discovery, responses to which are currently due by December 26, 2007. Finnegan Henderson cannot assist Mr. Williams in responding to the above-referenced Court Order, or serving responses to pending discovery because it has lost contact with Mr. Williams. Moreover, Plaintiffs refusal to grant additional time for the pending discovery or to stipulate to an enlargement of time for Mr. Williams to comply with this Court's recent Discovery Order necessitates this application for order Shortening Time to allow The Firm's Motion to Withdraw to be heard before the 35-day notice period.

As the accompanying Motion to Withdraw establishes, Finnegan Henderson lost touch with Mr. Williams approximately five weeks ago, when The Firm attempted to investigate whether Mr. Williams could provide further answers to interrogatories based on Plaintiffs' reply in a then-pending discovery motion. That reply, for the first time identified documents which had not been mentioned during meet and confer efforts, and were not cited in the initial moving papers. Upon receipt of that reply, Finnegan Henderson commenced efforts to communicate with Mr. Williams for the purpose of determining whether these new documents would assist him in responding to discovery. As the Motion to Withdraw shows, multiple efforts to communicate with Mr. Williams have been unsuccessful.

Because this Court's discovery Order provides a 20-day deadline for Mr. Williams to comply, Finnegan Henderson notified Plaintiffs of their inability to communicate with Mr. Williams. Finnegan Henderson proposed that either Plaintiffs stipulate to an extension in which Mr. Williams could respond to the pending discovery, or in the alternative, Finnegan Henderson proposed a stipulation for an Order shortening time on a Motion to Withdraw. Plaintiffs declined both of Finnegan Henderson's proposals, necessitating this application for Order Shortening Time.

DECLARATION OF SCOTT R. MOSKO

I, Scott R. Mosko declare,

1. I am an attorney duly licensed to practice law in the state of California and before the Northern District of California. I am a member of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, attorneys of record for Defendants ConnectU, Winston Williams and Pacific Northwest Software, Inc. The matters referred to in this declaration are based on my personal knowledge and if called as a witness I could, and would, testify competently to those matters.

2. On December 14, 2007 I sent a letter to Plaintiffs' counsel requesting that they stipulate to the proposed order shortening time or, in the alternative, stipulate to an order extending the time for Mr. Williams to supplement his responses until after the Court resolves the accompanying Motion to Withdraw as Counsel for Winston Williams. Attached hereto as exhibit 1 is a true and accurate copy of my letter.

3. On December 17, 2007, I received a letter from Plaintiffs' counsel rejecting Finnegan Henderson's proposal of an extension of time in which to respond to pending discovery, and an extension in which to comply with this Court's December 12 Order. Plaintiffs further refused to stipulate to an Order shortening time in which a Motion to Withdraw could be heard. Attached hereto as exhibit 2 is a true and correct copy of the December 17, 2007 letter I received from Plaintiffs' counsel.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed in Palo Alto, California on December 18, 2007.

/s/
Scott R. Mosko

[Proposed] Order

Upon good cause shown, it is hereby ordered that Finnegan, Henderson, Farabow, Garrett & Dunner, LLP's Motion to Withdraw as Counsel for Winston Williams shall proceed under the following schedule:

Opposing Papers Filed: ____________________

Reply Papers Filed: ____________________

Hearing: ____________________

It is further Ordered that Defendant Winston Williams is relieved of the current due dates to serve amended responses to Interrogatory Nos. 3 and 4, and Plaintiffs First Set of Document Requests. An Order concerning the new due dates shall issue in conjunction with Finnegan Henderson's Motion to Withdraw.

Dated: __________________

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The Honorable Richard Seeborg,
United States Magistrate Judge